

Remarks.

The Examiner's comments and objections and the cited references have been carefully considered by the Applicant.

Amendments have been made to the specification and claims and are hereby submitted for approval.

Regarding the objections to the Abstract, it is respectfully submitted that a new Abstract, without the objected "means" -terminology has been already submitted with the Preliminary Amendment of December 2004, enclosing also new claims 9-16.

Such new Abstract is pending now in the application.

A new Declaration, in compliance with 37 CFR 1.67 (a), as requested, is herewith enclosed.

In view of the new Declaration and of the fact that the application validly claims the benefit of the prior application BO2002A000422 filed on **July 2, 2002**.

In view of the fact that reference EP 1 243 520 A1 was first published by the European Patent Office later, i.e. on **September 25, 2002**, and was not filed in the United States before the invention claimed by the applicant.

It ensues that EP 1 243 520 A1 cannot qualify as prior reference under 35 U.S.C. 102 and/ or 103.

The new claims 17-25 are based upon subject-matter that has support in claims 9-15 and in the specification.

New new matter has been introduced.

The language of the new claims is believed to meet the requirements of 35 USC § 112.

New claims 17 and 25 are independent and generic with respect to claim 16.

As regards the reference of Luch et al, upon careful and thorough consideration of its actual teachings, it appears that they disclose, at columns 9- 10, lines 41-68 and 1-33, respectively, and figures 6-8, an apparatus that has a plate 90 for retaining caps 10, open side up, in view of a scoring operation by way of a blade 80.

As it is clearly apparent from the front elevational view of figure 6, in combination with description column 9, lines 41-58, on plate 90, hidden by gear 70 (see figure 8), three scoring stations, each with a cap infeed *Sf* are shown.

"Cap centering air jet" locations are also shown in figure 6, but no cap centering operation is disclosed in the specification.

It is not clear from the figure 6 only how, when, and if an air centering is actually performed onto the (unscored) cap introduced onto the plate 90.

What is instead expressly taught is that, **once the scoring is finished, the cap 10 is located "outboard of the pressure plate 90" and in an eccentric position, "to permit air jets to discharge the finished cap from the mandril to a collection conveyor"** (see column 9, lines 54-58).

The discharge then can be made vertically axially from the mandrel M, by way of the **air jet** blown axially vertically through the upper end of the mandrel M (see in figure 8 the air inlet indicated at the upper end of the mandrel).

As the person skilled in the art may understand from Luch et al, the cap is discharged at the end of the scoring operation, in an outboard eccentric position, since no "re-centering operation is disclosed at the end of the revolution/rotation motion for the scoring operation.

It will be noted that the representation, in figure 6, of the alleged cap treatment is not mutually consistent for each of the three shown groups of stations (feed, cut transport and probable discharge).

New independent claims 17 and 25, that are distinct in scope, define an apparatus that differ from the one of Luch et al, at least for the features:

"recentering means comprising at least one pusher and cam means supported at said frame, said cam means being suitable to cause motion of said at least one pusher to act on the cap side wall for recentering said cap so that the symmetry axis thereof coincides with said rotation axis of the mandrel"

and, respectively,

recentering means comprising a plurality of pushers and cam means supported at said frame, said cam means being suitable to cause motion of said pushers to act on the side wall of each one of the plurality of caps in a direction that is substantially radial and centrifugal with respect to said carousel for recentering each cap so that the symmetry axis thereof coincide with the rotation axis of the mandrel located thereinside".

The new claims 17 and 25 are therefore both new over the cited reference.

In view of the fact that Luch et al fail completely to teach the mentioned features, while they expressly teach a discharge of the cap after scoring and in an outboard position of the cap, the subject-matter of new claims 17 and 25 is also not obvious.

Therefore the new claims are believed to be allowable.

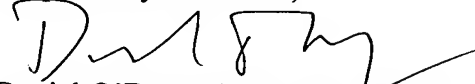
Favorable action is respectfully solicited.

While it is believed that the amended claims properly and clearly define the present invention, applicant would be open to any suggestion or amendment the Examiner may

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have or propose concerning different claim phraseology which, in the Examiner's opinion, more accurately defines the present invention.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. O'Byrne', with a long horizontal flourish extending to the right.

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